

Application No. 09/966686
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Amendment
Attorney Docket No. S63.2N-7405-US02

Remarks

This Amendment is in response to the Final Office Action dated April 22, 2004. In the Office Action claims 63-71 are allowed. Claims 48, 49, 57, 74, 75, and 80 were found to contain allowable subject matter. Claims 46, 47, 50-56, 59-62, 72, 73, and 76-79 were rejected under 35 USC 103(a) as being unpatentable over Pinchasik (6,364,870) in view of Tuberman (3,695,087). Claim 58 was rejected under 35 USC 103(a) as being unpatentable over Pinchasik in view of Tuberman as applied to claim 55, and further in view of Myers et al. (5,700,285). Independent claim 46 has been amended to claim the allowable subject matter of dependent claim 80. Independent claim 55 has been amended to claim the allowable subject matter of dependent claim 57. Independent claim 72 has been amended to claim the allowable subject matter of dependent claim 75. Claims 57, 75, and 80 have been canceled without prejudice or disclaimer. No new matter has been added. Applicants address the rejections under heading consistent with the paragraph numbering of the Office Action.

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In the Office Action, claims 46, 47, 50-56, 59-62, 72, 73, and 76-79 were rejected under 35 USC 103(a) as being unpatentable over Pinchasik (6,364,870) in view of Tuberman (3,695,087). Independent claim 46 has been amended to claim the allowable subject matter of dependent claim 80 and now recites in part "the iris having an aperture which is reducible in size by moving the dies by rotation of an actuation device." It is believed that claim 46 is now in condition for allowance. Claims 47-54 are believed to be in condition for allowance for at least the reason that they claim dependence on an allowable base claim.

Independent claim 55 has been amended to claim the allowable subject matter of dependent claim 57 and now recites in part "the stent cooled below ambient temperature prior to reducing the size of the aperture." It is believed that claim 55 is now in condition for allowance. Claims 56 and 58-62 are believed to be in condition for allowance for at least the reason that they claim dependence on an allowable base claim.

Independent claim 72 has been amended to claim the allowable subject matter of dependent claim 75 and now recites in part "placing a stent disposed about a catheter within the aperture, the stent made of nitinol." It is believed that claim 72 is now in condition for

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allowance. Claims 73-79 are believed to be in condition for allowance for at least the reason that they claim dependence on an allowable base claim.

Claims 57, 75, and 80 have been canceled without prejudice or disclaimer.

Applicant requests that the 35 USC 103(a) obviousness rejections be withdrawn.

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In the Office Action claims 63-71 are allowed. Claims 48, 49, 57, 74, 75, and 80 contain allowable subject matter and are allowable if rewritten in independent form. Independent claims 46, 55, and 72 have been amended to include the allowable subject matter of claims 80, 57, and 75 respectively. Applicant retains the right to claim the patentable subject matter of claims 48, 49, and 74 in a continuation application.


CONCLUSION

In view of the foregoing it is believed that the present application, with pending claims 46-56, 58-74, and 76-79 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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